

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Caption in compliance with D.N.J. LBR 9004-1(b)

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In re:

NEW ENGLAND MOTOR FREIGHT, INC., *et al.*,¹

Debtors.

Case No.: 19-12809 (JKS)

Chapter 11

(Jointly Administered)

Hearing Date and Time:
April 8, 2019, at 11:00 a.m.

**RESERVATION OF RIGHTS IN CONNECTION WITH DEBTORS' MOTION
FOR ORDERS (I)(A) APPROVING BIDDING PROCEDURES AND AUCTION AND
(B) SCHEDULING SALE HEARING AND APPROVING NOTICE THEREOF;
(II) AUTHORIZING THE SALE OF SUBSTANTIALLY ALL OF DEBTORS'
EASTERN FREIGHT WAYS, INC. AND CARRIER INDUSTRIES, INC.'S
ASSETS FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES,
AND OTHER INTERESTS; (III) AUTHORIZING THE ASSUMPTION AND
ASSIGNMENT OF CERTAIN EXECUTORY CONTRACTS AND
UNEXPIRED LEASES; AND (IV) GRANTING RELATED RELIEF**

Capital One, N.A. ("Capital One"), by and through its undersigned counsel, hereby
submits this Reservation of Rights in connection with *Debtors' Motion For Orders (I)(A)*

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

Approving Bidding Procedures and Auction and (B) Scheduling Sale Hearing and Approving Notice Thereof; (II) Authorizing the Sale of Substantially all of Debtors' Eastern Freight Ways, Inc. and Carrier Industries, Inc.'s Assets Free and Clear of All Liens, Claims, Encumbrances, and Other Interests; (III) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases; and (IV) Granting Related Relief [Dkt. No. 335] (the "Motion").

1. At this time Capital One takes no position with respect to the Debtors' request for entry of an order approving bidding procedures and an auction and scheduling a sale hearing. Capital One reserves all other rights and objections relating to the Motion, the relief sought thereby, the conduct of the auction, and any proposed sale, including, without limitation, all objections relating to whether the sale satisfies Section 363 of the Bankruptcy Code.

Date: April 5, 2019
Newark, NJ

McCARTER & ENGLISH, LLP

By: /s/ Joseph Lubertazzi, Jr.
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A Member of the Firm

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